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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/458,689	12/10/1999	RYO FUJIMOTO	35.G2512	9176
5514	7590	02/04/2004	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			PANNALA, SATHYANARAYA R	
		ART UNIT	PAPER NUMBER	
		2177		
DATE MAILED: 02/04/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/458,689	FUJIMOTO ET AL.
	Examiner Sathyaranayanan Pannala	Art Unit 2177

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 17 November 2003.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-3,5-12,14-20,22-29,31-37,39-46 and 48-59 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-3,5-12,14-20,22-29,31-37,39-46 and 48-59 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.
 

If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____.
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.	6) <input type="checkbox"/> Other: _____.

## DETAILED ACTION

1. As per the amendment filed on 11/17/2003 by the Applicant, claims 58 and 59 are added and claims 1, 10, 18, 27, 35, 44 are amended. Hence, claims 1-3, 5-12, 14-20, 22-29, 31-37, 39-46 and 48-59 are pending as per this Final Office Action.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

"A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.

Patentability shall not be negated by the manner in which the invention was made."

3. Claims 1-3, 5-12, 14-20, 22-29, 31-37, 39-46 and 48-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tamano et al. (US Patent 6,032,157) and in view of Li et al. (US Patent 6,175,829).

4. Tamano rendered independent claims 1, 18, 35, 58 by the following:

"memory means for storing the relevant information input said input means in association with each of the plurality of the objects in the single image, respectively" at Fig. 2, col. 5, lines 11-16.

Tamano do teach analogous to inputting relevant information for an image object at Fig. 7-8, col. 6, lines 18-56. However, Li teaches the following limitation:

"input means for inputting relevant information concerning a plurality of objects within single image, wherein the relevant information include a word describing an interrelationship between at least two objects within the single image" at Fig. 1 & 3, col. 4, line 64 to col. 5, line 11. Thus, it would have been obvious to one ordinarily skilled in the art at the time of the invention to incorporate inputting relevant information to view image objects. Tamaro and Li are combined to relate querying database with relevant information to view image objects. In order to view the required image, relevant information is needed to query the multimedia database to display required image objects.

5. As per dependent claims 2, 19, 36, Tamano teaches "the relevant information includes at least one of a general name of an object, a qualifier therefor, a proper in thereof, and a position thereof" at Fig. 3, col. 5, lines 32-53.
6. As per dependent claims 3, 20, 37, Tamano teaches "the relevant information includes information expressing a state of an object in the single image" at Fig. 3, col. 5, lines 21-29.
7. As per dependent claims 5, 22, 39, Tamano teaches "wherein a plurality of words can be specified as the qualifier" at Fig. 3, col. 5, lines 21-29.
8. As per dependent claims 6, 23, 40, Tamano teaches "wherein said input means includes position designating means designating a position of an object in the single image, and display means for displaying an input window used to input relevant information concerning the object at the designated position" at Fig. 1, col. 3, lines 22-27.

9. As per dependent claims 7, 24, 41, Tamano teaches "wherein the position designating means designates positions of two mutually-related objects in the single image" at Fig. 8, col. 6, lines 32-42.

10. As per dependent claims 8, 25, 42, Li teaches "further comprising retrieval requirement input means for inputting requirements for retrieval, and image retrieving means for retrieving images that meet the requirements for retrieval inputted by said retrieval requirement input means" at Fig. 1 & 3, col. 4, line 64 to col. 5, line 11.

11. As per dependent claims 9, 26, 43, Tamano teaches "wherein said input means inputs supplementary information including at least one of imaging-related information of the single image, special object information thereof, category formation thereof, impression information thereof, time information thereof, place information thereof, weather information thereof, and event information thereof" at Fig. 7, col. 6, lines 18-31.

12. Tamano rendered independent claims 10, 27, 44, 59 by the following:  
"memory means for storing identification information concerning a plurality of objects contained in an image in association with relevant information concerning the plurality of objects, wherein the relevant information includes a word

describing an interrelationship between at least two objects within the single image" at Fig. 2, col. 5, lines 11-16;

"retrieval requirement input means for inputting requirements for retrieval" at Fig. 7-10, col. 6, lines 9-17;

Tamano does not teach explicitly inputting relevant information for an image object. However, Li teaches the following limitation:

"retrieving means for retrieving an image that meets the requirements for retrieval inputted by said retrieval requirement input means based on the relevant information stored in said memory means" at Fig. 1 & 3, col. 4, line 64 to col. 5, line 11. Thus, it would have been obvious to one ordinarily skilled in the art at the time of the invention to incorporate inputting relevant information to view image objects. Tamano and Li are combined to relate querying database with relevant information to view image objects. In order to view the required image, relevant information is needed to query the multimedia database to display required image objects.

13. As per dependent claims 11, 28, 45, Tamano teaches "wherein the relevant information includes at least one a general name of an object, a qualifier therefor, a proper noun thereof, and a position thereof" at Fig. 3, col. 5, lines 32-53.
14. As per dependent claims 12, 29, 46, Tamano teaches "wherein the relevant information includes information pressing a state of an object in the single image" at Fig. 3, col. 5, lines 21-29.
15. As per dependent claims 14, 31, 48, Tamano teaches "the qualifier is compromise of a plurality of words can be specified as the qualifier" at Fig. 3, col. 5, lines 21-29.
16. As per dependent claim 15, 32, 49, Tamano teaches "further comprising a position designating means for designating a position of an object of interest in the single image, and display means for displaying an input window used to input the

relevant information concerning the object at the designated position" at Fig. 7-10, col.

6, lines 9-17.

17. As per dependent claim 16, 33, 50, Tamano teaches "wherein said position designating means designates positions of two mutually-related objects in the single image" at Fig. 6, col. 6, lines 1-8.

18. As per dependent claim 17, 34, 51, Tamano teaches "wherein said input means inputs supplementary information including at least one of imaging-related information of the single image, special object information thereof, category information thereof, impression information thereof, time information thereof, place information thereof, weather information thereof, and event information thereof" at Fig. 7, col. 6, lines 18-31.

19. As per dependent claim 52-57, Li teaches "the relevant information is textual information" at Fig. 3, col. 7, lines 21-48.

### ***Response to Arguments***

20. Applicant's arguments filed 6/9/2003 have been fully considered but they are not persuasive as described below:

a) Applicant's argument states as "Accordingly, the system of Tamano et al. cannot easily distinguish between image retrievals of an image of a cat lying on a table, and an image of a cat eating a mouse, unlike the apparatus of Claim 1."

In response to the applicant's argument, Tamano teaches distinguish between images. (see Tamano at Fig. 3, col. 5, lines 21-31).

b) Applicant's argument states as "Nothing in Tamano et al. or Li et al., either separately or in combination teach or suggest inputting relevant information..." see Amendment page 19, paragraph 2.

In response to the applicant's argument, Tamano teaches to obtain images with information. This reference also teaches the user to specify locations of images on the display. (see Tamano at Fig.4, 10-12, col. 6, line 1 to col. 9, line 11). Li teaches retrieval of images and facilitates reformulation of queries more closer to the requirement and feed back information including maximum and minimum matches, alternatives for both semantic and visual based query elements and estimated number of matching images ( see Li at col. 3, lines 63-67). The recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963).

### ***Conclusion***

21. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action

22. The prior art made of record, listed on form PTO-892, and not relied upon, if any, is considered pertinent to applicant's disclosure.

23. If a reference indicated, as being mailed on PTO-FORM 892 has not been enclosed in this action, please contact Lisa Craney whose telephone number is (703) 305-9601 for faster service.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sathyanarayan Pannala whose telephone number is (703) 305-3390. The examiner can normally be reached on 8:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (703) 305-9790. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

*SRP*  
Sathyana<sup>r</sup>ayan Pannala  
Examiner  
Art Unit 2177

srp  
January 15, 2004



GRETA ROBINSON  
PRIMARY EXAMINER